

IN RE: Public Utility Regulatory Policies Act) ORDER GRANTING
(PURPA) of 1978.) MOTION OF DUKE
) ENERGY CAROLINAS,
) LLC FOR
) CONFIDENTIAL
) TREATMENT

On December 27, 2006, Duke Energy filed with the Commission the Company's 2006 avoided cost information as required pursuant to Part 292 of the Federal Energy Regulatory Commission regulations under Section 210 of the Public Utility Regulatory Policies Act of 1978. Duke moved that the pages of Attachment B to the Company's avoided cost information be filed with the Commission under seal and be maintained as confidential. The Commission determined to hold the Company's request in abeyance

and to allot a time period for the Company to provide the Commission with further information to support its request for confidential treatment.¹

Duke Energy Carolinas filed an Amended Motion for Confidential Treatment on January 17, 2007. Duke asserts in its Amended Motion that the projected costs contained in Attachment B to the Company's 2006 Section 292.302 filing, received December 27, 2006, contain confidential information that is proprietary and commercially sensitive and if disclosed, could adversely affect the Company's ability to enter into arms-length generation procurement transactions. Duke Energy Carolinas filed Attachment B in a separate package clearly marked "confidential." Duke Energy Carolinas renews its prior request that the Commission grant the Company confidential treatment.

A review of the material in question in the Company's 2006 Section 292.302 avoided cost information filing establishes that the material does provide detailed information concerning Duke Energy Carolinas' business and practices which are sensitive. The South Carolina Freedom of Information Act ("FOIA") allows exemption from disclosure proprietary business information that meets a definition of "trade secrets." S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: "(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation."

¹ See Commission Directive, dated January 10, 2007, and subsequent Commission Order No. 2007-44, dated January 24, 2007.

We find that the information contained in Attachment B to the Company's 2006 Section 292.302 filing for which Duke Energy Carolinas seeks protection as confidential falls within this definition of materials which may be exempted from disclosure under FOIA.

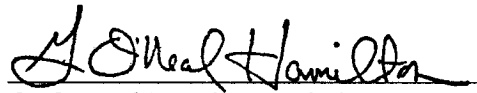
Because the Commission finds that certain portions of the 2006 Section 292.302 filing of Duke Energy Carolinas contains competitively sensitive critical information and meets the definition of "trade secrets" as defined under FOIA, the Commission grants the Motion.

IT IS THEREFORE ORDERED THAT:

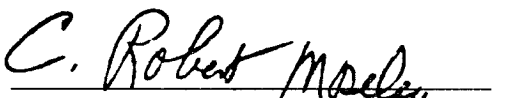
1. The Amended Motion of Duke Energy Carolinas, LLC for confidential treatment is granted. Accordingly, Attachment B to the 2006 Section 292.302 avoided cost information of Duke Energy Carolinas, LLC filed with the Commission shall be declared confidential and shall be afforded confidential treatment.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


G. O'Neal Hamilton, Chairman

ATTEST:


C. Robert Moseley, Vice Chairman

(SEAL)